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10/596,728

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EXAMINER

DRIGGERS-FOURNET, GWENDOLYN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,728	Applicant(s) SALOMON-BAHLS ET AL.	
	Examiner Gwendolyn Fournet	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/01/09 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a final office action on the merits. Claims 1-16, as amended, are currently pending and have been considered below.

Drawings

1. The drawings were received on 07/01/09. These drawings are approved.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 is incomplete with respect to the newly added recitation pertaining to the means for securing. In particular, what is being secured against relative rotation? Note that as set forth the recitation merely indicates that the "means" is "provided between" the receiving and joining parts. Nothing in this recitation indicates that these are the parts that are secured against relative rotation by this "means". Therefore, the necessary structural cooperative relationship has been omitted.

5. In claim 10, the recitation "spaced apart axially via a cylindrical fluid-sealing section" renders the claim indefinite since it is unclear how the depressions are spaced apart "by way of" the fluid sealing section. Is the fluid sealing section somehow causing

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the depressions to be distributed? Examiner has interpreted this claim in accordance with the remainder of the claim language to mean that depressions are spaced circumferentially around the fitting and that the sealing section has nothing to do with the depressions. Applicant must reword the claim to further explain how the spacing is occurring "via" the fluid sealing section or delete the phrase from the claim.

6. Claim 16 improperly refers to the securing means in the plural sense (note the use of "are"). Claim 1 only provides antecedent basis for a single securing means.

7. The remainder of the claims listed are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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10. Claims 1-3, 5-7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezura (US 2003/0178846), and in further view of Woodling (US 3,649,050).

Regarding claim 1, Ezura discloses a plug connector (10) for fluid conduits ([0002] which discloses use with a fluid tube), comprising a housing part (12) with a plug socket (figure 3, the open area of body (12) defined near (32a) and (32b)) for the fluid-tight insertion of a tubular plug-in part (36), a holding element (52) for locking and a fluid seal (42) for sealing the inserted plug-in part being arranged in the plug socket (see figure 3), the housing part being in two parts comprising a base part (12) and an insert part (58) which is connected to the base part via a snap-action positive fit connection (50), the base part comprising a receiving part (12) for the holding element, the fluid seal and the insert part, and a joining part (18) for the joining connection of the housing part to a fluid conduit ([0004] which discloses coupling of fluid tube to pressure apparatus).

Ezura fails to explicitly disclose means for securing against relative rotation are provided between said receiving part and said joining part.

However, Woodling discloses a tube fitting connection having a means for securing against relative rotation (30) provided between said receiving part (19) and said joining part (11).

Therefore, from the teachings of Woodling, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint in Ezura to include a means for securing the inserted plug-in part against rotation as taught by

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Woodling in order to ensure better sealing between the components (column 4, lines 20-22).

Regarding claim 2, Ezura further discloses the receiving part and the joining part are connected to each other via a snap-action positive fit connection (20).

Regarding claim 3, Ezura further discloses an annular gap (figure 3, gap between connecting member (18) and body (12) near reference numeral (22)) between the receiving part and the joining part is sealed off in a fluid-tight manner via a seal (22) (see figure 3).

Regarding claim 5, Ezura further discloses the receiving part is formed of plastic material ([0030] which discloses joint body (12) as plastic) and the joining part is formed of metal ([0031] lines 1-2 which disclose connecting member (18) as metal).

Regarding claim 6, Ezura further discloses the holding element is a slotted (56), radially elastic ([0037] line 2) clamping ring (see figure 4) which interacts with an internal cone (figure 4, portion at the left end of (58) near reference numeral (60)) in the plug socket (see figure 3) to lock the plug-in part ([0040] describes fluid tube (36) prevented from detachment via fastening section (54) of chuck (52), the internal cone being formed in the insert part (see figure 3).

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Regarding claim 7, Ezura further discloses the fluid seal is arranged in an annular chamber (32b) between one of the base parts or the receiving part and the insert part (see figure 3).

Regarding claims 15 and 16, Ezura discloses all the structural elements of the claimed invention as recited in claim 1, but fails to explicitly disclose a means for securing the inserted plug-in part against rotation about the a plug axis and the means for the rotational securing are formed by positive fit elements in such a manner that the individual parts can be fitted axially but are secured against rotation relative to one another.

However, Woodling discloses a tube fitting connection having a means for securing the inserted plug-in part against rotation about the a plug axis (30) and that the means for the rotational securing are formed by positive fit elements in such a manner that the individual parts can be fitted axially but are secured against rotation relative to one another (figure 7 which shows tube (11) being received by sleeve (12) in an axial direction, and column 4, lines 15-22 which indicate scalloped edge preventing rotation).

Therefore, from the teachings of Woodling, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint in Ezura to include a means for securing the inserted plug-in part against rotation as taught by Woodling in order to ensure better sealing (column 4, lines 20-22).

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11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ezura in view of Woodling as applied to claims 1-3, 5-7, 15, and 16 above, and further in view of Hosono et al (US 6,447,019).

Regarding claim 4, the combination of Ezura and Woodling discloses all the structural elements of the claimed invention as recited in claim 1, but fails to explicitly disclose the receiving part, with a consistently identical configuration, can be connected to a plurality of different configurations of the joining part.

However, Hosono discloses a tube joint having the receiving part (14), with a consistently identical configuration (figure 2), can be connected to a plurality of different configurations of the joining part (18) (see figure 2 which illustrates a cavity for receiving coupling member (18) in joint body (14) which is identical to that shown in Ezura, but where the coupling member includes a bush (52)).

Therefore, from the teachings of Hosono, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint in the combination of Ezura and Woodling to include a metal bush as taught by Hosono which maintains a strong connection while permitting the use of other coupling materials, such as plastic, since the fluid within the coupling does not come into contact with the metal bush (column 4 lines 17-31).

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12. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezura in view of Woodling as applied to claims 1-3, 5-7, 15 and 16 above, and in further view of Legris (US 4,431,216).

Regarding claim 8, the combination of Ezura and Woodling discloses all the structural elements of the claimed invention as recited in claim 1, and Ezura further discloses the holding element for locking the inserted plug-in part and the fluid seal are arranged within the plug socket (see figure 3).

Ezura, fail to disclose a leakage path being formed in such a manner that, in a pre-locking position of the plug-in part, which position is locked by the holding element but is not yet sealed via the fluid seal, a physically perceptible leakage path for fluid within the housing part is defined.

However, Woodling discloses a tube fitting connection having a leakage path (25) being formed in such a manner that, in a pre-locking position of the plug-in part, which position is locked by the holding element but is not yet sealed via the fluid seal, a physically perceptible leakage path for fluid within the housing part is defined (column 4, lines 27-31, which disclose escape of fluid to the outside of the fitting via slots (25), and see figure 1 which shows the positioning of sleeve (12) within nut (14)).

Therefore, from the teachings of Woodling, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint of the combination of Ezura and Woodling in claim 1 to include flare slots on the plug-in part as taught by Woodling in order to indicate when the fitting is not properly installed.

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The combination of Ezura and Woodling fails to explicitly disclose a dirt seal on the mouth side.

However, Legris discloses a tube fitting having a dirt seal (13) on a mouth side (see figure 13, opening near (13)).

Therefore, from the teachings of Legris, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint in the combination of Ezura and Woodling to include a dirt seal as taught by Legris as an obstacle to dirt and paint (column 8, lines 3-4).

Regarding claim 9, the combination of Ezura, Woodling, and Legris discloses all the structural elements of the claimed invention as recited in claim 8.

Woodling further discloses a tube fitting connection having the leakage path is formed by depressions (25) which are arranged on the outer circumference of the plug-in part (see figure 2) and, in the pre-locking position, are arranged in two groups (see figure 2).

Therefore, from the teachings of Woodling, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint of the combination of Ezura, Woodling, and Legris in claim 8 to include flare slots on the plug-in part as taught by Woodling in order to indicate when the fitting is not properly installed.

Regarding claims 10-13, the combination of Ezura, Woodling, and Legris discloses all the structural elements of the claimed invention as recited in claim 9.

As per claim 10, Woodling further discloses a tube fitting connection having the depressions in the two groups in each case comprise a plurality of depressions (see figure 2) which are distributed over the circumference (see figure 2) and are spaced apart axially (see figure 2) via a cylindrical fluid-sealing section (see figure 2 which illustrates depression spaced circumferentially around the fitting).

As per claim 11, Woodling further discloses a tube fitting having a cylindrical dirt-sealing section adjoins the depressions (see figure 1 where nut (14) overlaps tube (11) and sleeve (12)) which are situated away from a front plug-in end (figure 5 near (44)) of the plug-in part (12)).

As per claim 12, Woodling further discloses a tube fitting connection having the depressions start from the front plug-in end of the plug-in part (see figure 7 which illustrates depressions (25) near the portion of plug-in part (12) that is inserted into the coupling as shown in figure 1).

As per claim 13, Woodling further discloses a tube fitting connection having depressions each with an elongate, generally rectangular shape oriented in the plug-in direction (see figure 2).

Therefore, from the teachings of Woodling, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint of the combination of Ezura, Woodling, and Legris in claim 9 to include flare slots on the plug-

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in part as taught by Woodling in order to indicate when the fitting is not properly installed.

Regarding claim 14, the combination of Ezura, Legris and Woodling discloses all the structural elements of the claimed invention as recited in claim 9 and further discloses an axial distance between fluid seal and dirt seal.

Woodling further discloses a tube fitting connection having axial center distance between the depressions (see figure 2).

Therefore, from the teachings of Woodling, it would have been obvious to one of ordinary skill in the art at the time of the invention to locate the depressions relative to the seals of the combination of Ezura, Woodling, and Legris in claim 9 at a corresponding axial distance in order to ensure proper function of the flare vents (see figure 1).

Response to Arguments

13. Applicant's arguments filed 07/01/09 have been fully considered but they are not persuasive.

14. In response to applicant's argument regarding claims 1, 15, and 16 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., easily detachable base and insert) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re*

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Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, applicant's arguments are not commensurate with the scope of the claims and have not been considered further.

15. Applicant's arguments with respect to claims 2-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Applicant has amended claim 1 to include "means for securing against relative rotation are provided between said receiving part and said joining part."

17. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Fournet whose telephone number is (571)270-5740. The examiner can normally be reached on Mon-Thurs 7:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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